

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE, *ex rel.*, ROBERT
E. COOPER, JR., Attorney General and
Reporter,

Petitioner,

v.

HCI Direct, Inc.,

Respondent.

No. 08C3299

FILED
2008 OCT 13 PM 4:29
RICHARD R. ROBER, CLERK
J.C.C.

AGREED FINAL ORDER

This cause came to be heard on the State of Tennessee's Petition and the parties' Assurance of Voluntary Compliance, and the Court is of the opinion that the Assurance of Voluntary Compliance should be approved. It is therefore ORDERED, ADJUDGED, and DECREED as follows:

1. The Assurance of Voluntary Compliance annexed hereto and incorporated herein by reference is hereby made a part of this Order, and is approved;
2. Respondent shall comply with the terms of the Assurance of Voluntary Compliance unless rescinded in writing by the parties or modified as provided in the Assurance and approved by this Court for good cause shown;
3. As required by the Assurance, Respondent shall pay the total sum of Four Hundred Fifty-Five Thousand and 00/100 Dollars (\$455,000.00) to the multistate working group.

Tennessee will receive Twenty-Nine Thousand and 00/100 Dollars (\$29,000.00) to be distributed as follows:

- a. Twelve Thousand Dollars (\$12,000.00) to the Tennessee Attorney General's Office for reasonable attorneys fees and costs to be used for consumer protection purposes or any other lawful purposes at the sole discretion of the Tennessee Attorney General;
- b. Seven Thousand Dollars (\$7,000.00) to the State of Tennessee's General Fund;
- c. Ten Thousand Dollars (\$10,000.00) to the Tennessee Division of Consumer Affairs for its costs to be used for consumer education at the sole discretion of the Director of the Division of Consumer Affairs; and
- d. Any additional money received by the Tennessee Attorney General will be for reasonable attorneys' fees and costs to be used for consumer protection purposes or any other lawful purposes at the sole discretion of the Tennessee Attorney General.

4. Nothing in the Assurance shall be construed as a waiver of any private rights of any consumer/person;

5. Jurisdiction is retained by this Court for the purpose of enabling any party to apply for such further orders and directions as may be necessary or appropriate for the construction, modification or execution of this Assurance and Agreed Order;

6. This Agreed Order and the incorporated Assurance shall only be enforceable by the parties to this action;

7. Any knowing violation of the terms of an Assurance of Voluntary Compliance,

unless it has been rescinded by agreement of the parties or voided by a court for good cause, shall be punishable by a civil penalty of not more than \$1,000.00, recoverable by the state for each violation in addition to any other appropriate sanctions;

8. Respondent waives any and all rights which it may have to be heard in connection with judicial proceedings upon the Petition; and,

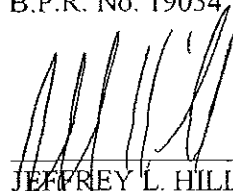
9. Pursuant to Tenn. Code Ann. § 47-18-116, no costs shall be taxed against the State. Costs for filing this Assurance shall be paid by Respondent.


Circuit Court Judge

JOINTLY APPROVED AND
SUBMITTED FOR ENTRY:

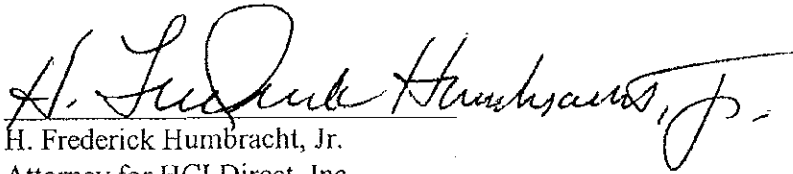
FOR THE STATE:

ROBERT E. COOPER, JR.
Attorney General and Reporter
B.P.R. No. 19034

A handwritten signature in dark ink, appearing to read 'J. Hill', is written over a horizontal line.

JEFFREY L. HILL
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FOR THE RESPONDENT:

A handwritten signature in cursive script, reading "H. Frederick Humbracht, Jr.", written in black ink.

H. Frederick Humbracht, Jr.
Attorney for HCI Direct, Inc.

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